IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1093 OF 2005
IN
WRIT PETITION NO.2309 OF 2005

Franco-Indian Pharmaceuticals Pvt.Ltd. Appellants
vs.
Franco-Indian Workers Union. Respondent

Ms. Meline D'souza i/b.M/s.Sanjay Udeshi & Co. for the appellants.

Mr.M.D.Nagle for the respondent no.1.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 15th December 2005

P.C.

Heard.

2. The grievance of the appellant in this appeal is that the issue regarding the justness, fairness and reasonableness of the settlement arrived between the appellant and the Franco India Employees Union must be tried by the Industrial Tribunal as a preliminary issue. We do not find any merit in the grievance of the appellant. The learned Single Judge in the impugned order has made it very clear that the Industrial Tribunal shall frame specific issue about the justness, fairness and reasonableness of the settlement arrived between the appellant and the Franco India Employees

Union and give finding thereon. The reference cannot be permitted to be decided in piecemeal. If after the entire evidence is recorded and upon hearing of the parties the Industrial Tribunal is satisfied that the settlement arrived at between the appellant and Franco India Employees Union is just, fair and reasonable, obviously such an order would be passed by the Industrial Tribunal accordingly.

3. No case for interference in the impugned order is made out. Appeal is dismissed in limine.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)